

**DEPARTMENT OF EDUCATION**

**SPECIAL EDUCATION PROGRAMS**

**LifeQuest**

**Accountability Review - Focus Monitoring Report 2008-2009**

**Team Members:** Donna Huber and Linda Shirley

**Dates of On Site Visit:** November 5, 2008

**Date of Report:** November 6, 2008

3 month update due: February 6, 2009

Date Received:

6 month update due: May 6, 2009

Date Received:

9 month update due: August 6, 2009

Date Received:

Closed:

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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## **1. GENERAL SUPERVISION**

**Present levels: Findings of June 1, 2005 Report**  
**ARSD 24:05:30:05 Content of notice**

The notice must include the following: (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected; (2) A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal; (3) A description of any other factors which are relevant to the district's proposal or refusal; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Through a review of student files and interviews with staff, the reviewer found the agency does not provide a complete prior notice to parents/adult students when initiating evaluations. Assessments are determined at the previous year's ISP with input from the person, parents, and all other team members, and completed prior to the ISP/IEP. While the meeting does serve to alert parents and students to the activity, it does not address all the requirements of giving appropriate prior notice.

**Follow-up: November 5, 2008**

#### **Finding:**

LifeQuest sends Prior Notice/ Consent for reevaluation for their part of the evaluation process which generally includes the areas of vulnerability, ICAP, living skills, medication etc. But nowhere in the file is there evidence of Prior Notice/Consent for the other evaluations that are required in order to determine the student's continued eligibility for special education as per the South Dakota eligibility criteria. There was also no documentation of parental input in to the evaluation process. Nor were all areas on the Prior Notice completed in six of seven files.

Through file review and staff interview LifeQuest works with many different school districts and there is not a clear understanding of district and agency responsibilities as to the IEP and evaluation process.

<b>Corrective Action:</b> Document the specific activities	<b>Timeline for</b>	<b>Person(s)</b>	(SEP Use
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and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Completion	Responsible	Only) Date Met
<b>Activity/Procedure:</b> <ol style="list-style-type: none"> <li>1. LifeQuest will conduct training in the area of Prior Notice/Consent for all service coordinators.</li> <li>2. LifeQuest will develop an interagency agreement which specifies district and agency responsibilities in regard to Prior Notices for evaluations and meetings.</li> <li>3. This interagency agreement must correlate with the agency's comprehensive plan.</li> </ol> <b>Data Collection:</b> <ol style="list-style-type: none"> <li>1. LifeQuest will submit the date of the training, name of person providing the training, and the names and position of all who attended.</li> <li>2. LifeQuest will also amend the comprehensive plan and submit such to the OSEP for approval to reflect any changes that are made.</li> </ol>	          Feb. 15, 2009  March 15, 2009	LifeQuest CEO, Program Manager for Service Coordination and Program Manager for Quality Enhancement	

**3 month Progress Report:**

**6 month Progress Report:**

**9 month Progress Report:**

## **2. GENERAL SUPERVISION**

**Present levels: Findings November 5, 2008**

**.ARSD24:05:16:16.01. Paraprofessionals and assistants.** Paraprofessionals and assistants who are appropriately trained and supervised in accordance with this section may be used to assist in the provision of special education and related services to children with disabilities under Part B of the Individuals with Disabilities Education Act.

LifeQuest employs a certified teacher to attend some of the IEP meetings but does not employ/contract with a certified teacher to supervise the provisions of special education and related services.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<b>Activity/Procedure:</b> LifeQuest will contract with a certified special education teacher to supervise the provision of special education and/or special education and related services.  <b>Data Collection:</b> LifeQuest will submit the name of the certified special education teacher, the date of hire and a description of his/her duties.	          Jan 15, 2009	LifeQuest CEO, Program Manager for Service Coordination and Program Manager for Quality Enhancement	

**3 month Progress Report:**  
**6 month Progress Report:**  
**9 month Progress Report:**

### **3. GENERAL SUPERVISION**

**State Performance Plan - Indicator 3:** Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

**Finding:** No finding

LifeQuest and the school district addressed statewide assessment through the IEP process in one of one file that required statewide assessment at that grade level. The student met the criteria for the alternative assessment.